

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUJAHD NASIRUDDIN,

Plaintiff,

-against-

WARDEN PLILER; ELMORE, ASSISTANT WARDEN
OF OPERATIONS; CAPTAIN O’KANE; LIEUTENANT
McCOY; LIEUTENANT TOMLISON; LIEUTENANT
LIMKHULER; CORRECTIONAL OFFICER FERRY;
CORRECTIONAL OFFICER KESSLER;
CORRECTIONAL OFFICER GYURITS;
CORRECTIONAL OFFICER CHRISTENSON;
CORRECTIONAL OFFICER GRANNELL;
CORRECTIONAL OFFICER IOCOLONO;
CORRECTIONAL OFFICER HURN;
CORRECTIONAL OFFICER DELASSANDRO;
CORRECTIONAL OFFICER; CORRECTIONAL
OFFICER McPHILLIPS; CORRECTIONAL OFFICER
WITKOWSKI; DR. GIRIBILLINI, PSYCHOLOGIST;
NURSE SANTORELLI; KABONIC,
EMT/PARAMEDIC; JOHN DOE 1-10,

Defendants.

21-CV-7044 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

This Order supersedes my Order of October 18, 2021 (ECF No. 6.)

Plaintiff, who is currently incarcerated in F.C.I. Otisville, brings this *pro se* action under 28 U.S.C. § 1331, alleging that prison officials at F.C.I. Otisville used excessive force against him and denied him proper medical treatment. Plaintiff paid the filing fees to bring this action.

By order dated October 18, 2021, the Court: (1) dismissed Plaintiff’s claims against the United States of America; (2) directed the Clerk of Court to add “John Doe 1- 10” as Defendants, pursuant to Fed. R. Civ. P. 21; and (3) directed the United States Attorney’s Office, which is the attorney for and agent of F.C.I. Otisville, to ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue and the addresses where the Defendants may be served. (ECF

No. 6.) On November 3, 2021 – having apparently ascertained the names of the defendants on his own – Plaintiff filed an amended complaint naming the Defendants involved in the alleged deprivation of his rights. (ECF No. 11.)

A. Service on Named Defendants

The Clerk of Court is directed to issue summonses as to Defendants Warden Piler; Elmore, Assistant Warden of Operations; Captain O’Kane; Lieutenant McCoy; Lieutenant Tomilson; Lieutenant Limkhuler; Correctional Officer Ferry; Correctional Officer Kessler; Correctional Officer Gyurtis; Correctional Officer Christenson; Correctional Officer Grannell; Correctional Officer Iocolono; Correctional Officer Hurn; Correctional Officer Delassandro; Correctional Officer; Correctional Officer McPhillips; Correctional Officer Witkowski; Dr. Giribillini, Psychologist; Nurse Santorelli; and Kabonic, EMT/Paramedic. Plaintiff is directed to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses.¹ If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

B. John Doe Defendants

Because Plaintiff does not make any allegations against the newly-named John Doe Defendants, and does not supply sufficient information to permit the attorney for or agent of the Doe Defendants to identify them, the Court declines, at this time, to issue an order under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997) (a *pro se* litigant is entitled to assistance from the

¹ The U.S. Marshals Service will effectuate service for Plaintiffs with *in forma pauperis* status, but Plaintiff paid the filing fee and does not have such status.

district court in identifying a defendant), seeking the identities of the newly-named John Doe Defendants.


CONCLUSION

The Clerk of Court is instructed to issue summonses as to Defendants Warden Plier; Elmore, Assistant Warden of Operations; Captain O’Kane; Lieutenant McCoy; Lieutenant Tomilson; Lieutenant Limkhuler; Correctional Officer Ferry; Correctional Officer Kessler; Correctional Officer Gyurtis; Correctional Officer Christenson; Correctional Officer Grannell; Correctional Officer Iocolono; Correctional Officer Hurn; Correctional Officer Delassandro; Correctional Officer; Correctional Officer McPhillips; Correctional Officer Witkowski; Dr. Giribillini, Psychologist; Nurse Santorelli; and Kabonic, EMT/Paramedic.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, who has already received an information package.

SO ORDERED.

Dated: November 8, 2021
White Plains, New York



CATY SEIBEL
United States District Judge